UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,952	10/30/2003	Leon Benhamou	ALC3450	6257

76614 7590 08/23/2011

Terry W. Kramer, Esq.
Kramer & Amado, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314

EXAMINER	
HAMZA, FARUK	

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
08/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@krameramado.com

Office Action Summary	Application No.	Applicant(s)	
	10/695,952	BENHAMOU, LEON	
	Examiner	Art Unit	
	FARUK HAMZA	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2001*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-18* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-18* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the RCE filed on July 19, 2011. Claims 1-18 have been amended. Claims 1-18 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on July 19, 2011 has been entered.

Examiner's Note

3. The use of intended use clauses have been noted in the claims (i.e. “adapted to”). Applicant is advised that such terminology may render some limitation optional.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 2, 4-10, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,697,845 to Andrews (hereinafter Andrews).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Andrews teaches a method of providing secure network management communications within a communication network, the communication network including a plurality of network elements each adapted to generate and process legacy network management messages in conformance with a legacy management system, the method comprising: embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message at a first network element (Col. 4, lines 36-43 – SNMP message "wrapper"); transmitting the first SNMP message over the network to a second network element (Col. 5, lines 42-50 – network manager generates SNMP request; col. 7, lines 17-20 – SNMP transmission to the managed node (second network element)); and extracting the first legacy network management message from the first SNMP message at the second

network element (Col. 7, lines 20-23 – agent parses SNMP request, lines 25-29 – agent re-assembles the message); and transmitting the extracted first legacy network management message to a legacy agent (Col. 3, lines 30-35, Col. Col. 7, lines 29-30, forwarding the message to a peer agent at the node).

Regarding claim 2, Andrews teaches the method of claim 1 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with a secure version of SNMP (Col. 4, lines 17-20).

Regarding claim 4, Andrews teaches the method of claim 1 wherein the legacy management system provides less security than SNMP (Col. 4, lines 10-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 5, Andrews teaches the method of claim 1 comprising the further steps of: generating the first legacy network management message at the first network element(Col. 3, lines 5-8 – AgentX PDUs are generated by a master agent – first network element); and processing the first legacy network management message at the second network element (Col. 3, lines 8-9 – re-assembly by PSA (second network element) of received AgentX packets into SNMP PDU packets).

Regarding claim 6, Andrews teaches the method of claim 5 comprising the further steps of: generating a second legacy network management message at

the second network element in response to the first legacy network management message; embedding the second legacy network management message within a second SNMP message at the second network element; transmitting the second SNMP message over the network to the first network element; and extracting the second legacy network management message from the second SNMP message at the first network element (Col. 3, lines 26-35 – conversion and re-assembly of AgentX protocol into SNMP and back into AgentX at the master agent (first network element) and at the PSA (second network element)).

Regarding claim 7, Andrews teaches the method of claim 1 wherein the first network element is a management station, and wherein the second network element is a node (Col. 2, lines 62-66 – management system includes a master agent – first network element, for managing a node – second network element).

Regarding claim 8, Andrews teaches the method of claim 1 wherein the first network element is a node, and wherein the second network element is a management station (Col. 5, lines 42-50 – SNMP entity can be both a manager and an agent).

Regarding claims 9, 10 and 12, said claims encompass the same scope of the invention as that of the claims 1, 2 and 4-8, except that they set forth the invention as a system rather than a method, as do claims 1,2 and 4-8. Therefore, claims 9, 10 and 11 are rejected under the same rationale as the claims 1, 2 and 4-8. The instant application defines “an initiator” as an “ability implemented as software to generate network management messages, transmit the network

management messages to nodes within the network, and process response messages received in response thereto" (See the first paragraph of the Background section) – the functionality fully covered by the limitations of claims 1, 2 and 4-8 and therefore does not introduce any additional limitation to those introduced by the above rejected claims 1, 2 and 4-8.

Regarding claim 13, Andrews teaches a Simple Network Management Protocol (SNMP) initiator at a management station within a communication network, comprising: instructions for receiving a legacy network management message which conforms to a legacy network management protocol (Col. 2, lines 48-51); instructions for embedding the legacy network management message within an SNMP message (Col. 2, lines 51-52); and instructions for transmitting the SNMP message to a node within the communication network (Col. 2, lines 53-54).

Regarding claim 14, Andrews teaches the SNMP initiator of claim 13 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 15, Andrews teaches a Simple Network Management Protocol (SNMP) agent at a node within a communication network, comprising: instructions for receiving a first SNMP message from a management station within a communication network (Col. 3, lines 26-31 – message processing

structure on SNMP master agent); instructions for extracting a first legacy network management message from the first SNMP message, the first legacy network management message conforming to a legacy network management protocol (Col. 3, lines lines 26-30 – parsing SNMP into AgentX protocol request); and instructions for sending the first legacy network management message to a legacy agent at the node (Col. 3, lines 30-35 – forwarding the message to a peer agent at the node).

Regarding claim 16, Andrews teaches the SNMP agent of claim 15 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 17, Andrews teaches the SNMP agent of claim 15 further comprising: instructions for receiving a second legacy network management message from the legacy agent; instructions for embedding the second legacy network management message within a second SNMP message; and instructions for transmitting the second SNMP message to the management station.

Regarding claim 18, Andrews teaches the SNMP agent of claim 17 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative

framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,697,845 to Andrews.

Regarding claim 3, Andrews teaches the method of claim 2 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with SNMP.

Andrews does not explicitly teach that the version of SNMP installed is specifically version 3 (SNMPv3).

"Official Notice" is taken that the concept and the advantages of implementing a version 3 of the SNMP protocol over earlier versions 1.5 and 2 are well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Andrews by upgrading to a version 3 of SNMP protocol. One of ordinary skills in the art would be motivated to do so in order to realize additional features of version 3 over earlier versions 1.5 and 2.

Regarding claim 11, Andrews teaches the system of claim 10 wherein the SNMP initiator is adapted to transmit the first SNMP message in conformance with SNMP.

Andrews does not explicitly teach that the version of SNMP installed is specifically version 3 (SNMPv3).

“Official Notice” is taken that the concept and the advantages of implementing a version 3 of the SNMP protocol over earlier versions 1.5 and 2 are well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Andrews by upgrading to a version 3 of SNMP protocol. One of ordinary skills in the art would be motivated to do so in order to realize additional features of version 3 over earlier versions 1.5 and 2.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Response to Arguments

6. Applicant's arguments filed 08/30/2005 have been fully considered but they are not persuasive.

The Applicant argues in substance that; A) Andrews does not teach legacy agent (page 2).

In response to A) The examiner respectfully disagree with the applicant. The claim language merely recites legacy agent. It failed to define or provide any details of legacy agent. Andrews teaches the master agent parses (extracts) the SNMP request and sends to AgentX and then AgentX sends it to SNMP peer agent (fig.3, 306, Col. 7, lines 5-30). The examiner is broadly interpreting the SNMP peer agent to be the legacy agent. Therefore, Andrew's teaching of receiving request by master agent then parsing and sending the parsed request to the peer agent meets the claim limitation.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Primary Examiner

Group Art Unit 2442

/Faruk Hamza/
Primary Examiner, Art Unit 2442